

IN THE UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION, CLEVELAND

In re:	)	Chapter 13
	)	
Timothy J. Patete,	)	Case No. 13-13806
	)	
Debtor.	)	JUDGE: Jessica Price Smith
	)	

**DEBTOR’S THIRD MOTION TO MODIFY CHAPTER 13 PLAN [with notice of  
withdrawal of second motion to modify]**

The debtor, by and through counsel and pursuant to 11 U.S.C. §1323(a), moves this Court for an order modifying his chapter 13 plan to provide that, 1) funding be increased to \$2,450.00 per month; 2) Article 3A of the plan be modified to provide for an arrearage to CitiMortgage on the Plains Rd. property in the amount of \$19,370.40; 3) the monthly payment amount for the priority claim of the Ohio Department of Taxation in Article 6 of the plan be reduced to \$195.89; 4) the monthly payment amount for the priority claim of the City of Mentor in Article 6 of the plan be reduced to \$116.00; 5) the monthly payment amount for the priority claim of R.I.T.A. in Article 6 of the plan be reduced to \$43.33; and 6) Article 11 of the plan be modified to include the following provisions:

“Citimortgage to be paid directly outside of plan or surrendered. The mortgage claim of CitiMortgage for the rental property in Mayville, NY will be paid by the debtors directly outside of the plan. The debtors applied for a loan modification to resolve the current arrearage, which application is currently pending approval of CitiMortgage. If the loan modification does not resolve the mortgage arrearage for this loan, then the property will be surrendered to CitiMortgage and any other secured lender.”

“Statutory liens of the OH Dept. of Tax. The statutory liens of the OH Dept. of Tax. are unsecured but cannot be voided. They purport to secure the priority tax obligation set forth in

Article 6 of the plan and the underlying claim will be paid in accordance with that provision.”

A copy of the plan as modified is attached hereto and incorporated herein.

Respectfully submitted,

/s/ Richard H. Nemeth

Richard H. Nemeth (#0007392)

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**CERTIFICATE OF SERVICE**

I certify that on November 20, 2013, a true and correct copy of the foregoing was served:

Via the Court's Electronic Case Filing System on these entities and individuals who are listed on the Court's Electronic Mail Notice List:

Craig Shopneck, Chapter 13 trustee, at [ch13shopneck@ch13cleve.com](mailto:ch13shopneck@ch13cleve.com)

And by regular U.S. mail, postage prepaid, on:

Timothy J. Patete, 8182 Plains Road Mentor, OH 44060

A.C.E. Recovery  
PO Box 129  
Grand River, OH 44045

American General Finance  
PO Box 3121  
Evansville, IN 47731

AmeriCredit  
Attn: Alice Whitten, Esq.  
PO Box 183853  
Arlington, TX 76096

Apple Heating Cooling  
PO Box 69  
Ashtabula, OH 44005

Aqua Ohio, Inc.  
Lake Erie West District  
PO Box 238  
Struthers, OH 44471

AT&T Universe Cable  
PO Box 5014  
Carol Stream, IL 60197

Checks Unlimited  
PO Box 17400  
Colorado Springs, CO 80935

Citifinancial  
PO Box 6931

The Lakes, NV 88901

Citimortgage Inc.  
PO Box 660065  
Dallas, TX 75266

City of Mayville - Electric Dept.  
3 S. Erie St.  
PO Box 188  
Mayville, NY 14757

City of Mentor  
Income Tax Division  
8500 Civic Center Blvd.  
Mentor, OH 44060

Credit Management, Inc.  
4200 International Parkway  
Carrollton, TX 75007

Direct TV  
PO Box 78626  
Phoenix, AZ 85062

Director of Finance  
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Mayville, NY 14757

Dominion East Ohio Gas Co.  
Attn: Bankruptcy Group  
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Willoughby, OH 44094

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North Olmsted, OH 44070

Drs. Hill & Thomas & Co.  
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Mentor, OH 44060

First Federal Credit Control  
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Beachwood, OH 44122

GM Financial  
PO Box 181145  
Arlington, TX 76096

Heart Specialists, Inc.  
36100 Euclid Avenue, Ste 120  
Willoughby, OH 44094

HFC  
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Buffalo, NY 14240

I.R.S. - Insolvency Group 3  
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IC Systems Inc  
PO Box 64378  
Saint Paul, MN 55164

Innovative Health Services

8252 Darrow Road, Ste A  
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Lake County Treasurer  
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Kaiser Permanente  
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Karen Patete  
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Mentor, OH 44060

Lake County Common Pleas Court  
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PO Box 8005  
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Lake County EKG Specialist  
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North Olmsted, OH 44070

Lake Emergency Services, Inc.  
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Cincinnati, OH 45263

Lake Health  
PO Box 13361  
Akron, OH 44334

Lake Health Physicians Group  
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Columbus, OH 43271

Lake Hospital System  
PO Box 92067  
Cleveland, OH 44101

Lewis and Associates  
Medical Audit Division  
PO Box 1458  
Painesville, OH 44077

National Fuel  
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Buffalo, NY 14264

NCO  
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Philadelphia, PA 19101

NCO Financial Systems  
PO Box 967  
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Northeast Ohio Neurosurgical Assoc.  
2785 SOM Center Rd.  
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Ohio Department of Taxation  
PO Box 2679  
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Ohio Department of Taxation  
Bankruptcy Division  
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Pathways  
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Mentor, OH 44060

Physicians Pulmonary/Critical Care  
1450 SOM Center Road, #25  
Cleveland, OH 44124

Prime Health of Lake Hospital  
PO Box 714328  
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R.I.T.A.  
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Revenue Group  
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Beachwood, OH 44122

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Revenue Recovery/Collections  
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601 Vernon L. Tharp St.  
Columbus, OH 43210

The HMC Group  
29065 Clemens Rd., Ste 200  
Westlake, OH 44145

The Illuminating Company  
PO Box 3638  
Akron, OH 44309

The News Herald  
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Willoughby, OH 44094

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PO Box 0901  
Carol Stream, IL 60132

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Cleveland, OH 44101

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